



# Complaints Policy and Procedure

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The Prince Albert Community Trust  
**Complaints Policy and Procedure**

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## 1.0 Introduction

All schools must have a complaints procedure. These must meet the standards set out in schedule 1, part 7 of the Education (Independent School Standards (England) Regulations 2014.

Schools should have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This does not limit complainants to parents or carers of pupils registered at an academy. A complainant could be a member of the wider community or representing an ex-pupil. The law also requires the procedure to be publicised.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

There are certain complaints which fall outside the remit of this complaints procedure, for example, staff grievances or disciplinary procedures.

Any third party providers offering community facilities or services through the school premises, or using school facilities, should have their own complaints procedure in place.

## 2.0 Key principles

The Prince Albert Community Trust (the Trust) expects all complainants to make reasonable attempts to seek an informal resolution.

The Trust encourages parents to approach the school with any concerns and refrain from airing concerns about the academy and its staff on social media sites. Posting negative comments on social media can cause damage and upset and is often counter-productive to pupil education.

To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 outlined below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times.

Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the Head accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.

On rare occasions a school may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently the school will follow the procedure set out under Complaint Campaigns (section 3.3).

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

Complainants should not approach individual Academy Representatives or Trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

If a complainant commences legal action against the Trust in relation to their complaint, we will consider whether it would be appropriate to suspend the complaints procedure until those legal proceedings have concluded.

### 3.0 Definitions and scope

The DfE guidance explains the difference between a concern and a complaint:

A **concern** may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. The Trust will resolve concerns through day-to-day communication as far as possible.

A **complaint** may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’. The academy intends to resolve complaints informally where possible, at the earliest possible stage. There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- admissions
- statutory assessments of special educational needs (SEN)
- safeguarding matters including matters likely to require a Child protection investigation
- exclusions
- whistleblowing
- staff grievances
- staff conduct/discipline
- curriculum including withdrawal from the curriculum from any aspect of religious education

Please see our separate policies for procedures relating to these types of complaint. Further details are also detailed in Annex 1.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the Trust’s support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO) or Head; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Certain complaints about staff may need to be dealt with under the school’s internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

### 3.1 Serial and persistent complaints

If the complainant contacts the school repeatedly about the same matter, then such communication may be viewed as ‘serial’ or ‘persistent’ and the school may choose not to

respond. The school will not mark a complaint as 'serial' before the complainant has completed the procedure.

The decision to stop responding will not be taken lightly and will only be taken on the advice of the Head, CEO, Academy Representative or Trustee if they believe that all reasonable steps have been taken to address the complainant's needs and that the school's position has been stated clearly and despite this, the complainant is refusing to accept the decision making the same points repeatedly. We may stop responding to the complainant when all of these factors are met:

- we believe we have taken all reasonable steps to help address their concerns
- we have provided a clear statement of our position and their options
- the complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- direct them to the DfE if they are dissatisfied with our original handling of the complaint. If there are new aspects, we will follow this procedure again.

### **3.2 Unreasonable complaints**

The majority of people with complaints or concerns behave reasonably in pursuing their complaint. This means that they:

- treat all staff and property with courtesy and respect
- engage with staff to resolve concerns
- respect the needs of pupils and staff
- do not use intimidating / aggressive behaviour or inappropriate language towards staff
- recognise the time constraints under which members of staff work and allow a reasonable time for the school to respond to a complaint
- recognise that resolving a specific problem can sometimes take some time
- follow the Trust's complaints procedures.

Unreasonable behaviour, repetitious or vexatious complaints may be seen in a single incident or through a persistent approach that interferes with the consideration of the complaint and / or ability of staff to undertake legitimate school business including:

- malicious, aggressive, intimidating, threatening, offensive language, microaggressions<sup>1</sup> or actions which appear to be targeted and/or cause ongoing distress to staff
- complaints where the complainant has no view about what would constitute a satisfactory outcome and/or no intention to resolve the complaint
- seeking an unrealistic outcome

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<sup>1</sup> Microaggression is a term used for commonplace verbal, behavioural or environmental slights, whether intentional or unintentional, that communicate hostile, derogatory, or negative attitudes toward stigmatised or culturally marginalised groups.

- making excessive demands on time and resources by frequent and lengthy and complicated contact whilst a complaint is being dealt with and expecting immediate responses
- changing the basis of the complaints as it proceeds or changing statements made at an earlier stage and use of falsified information
- making unjustified personal comment or complaint about staff who are trying to assist and / or seeking to have them replaced
- refusing to accept that certain issues are not within the remit of the school or scope of the complaints procedure
- refusing to cooperate with the investigation process to resolve a complaint or insisting a complaint is dealt with in ways which are incompatible with the policy
- submitting repeat complaints with minor amendments to make them new complaints
- use of Subject Access Request (SAR) and Freedom of Information Act (FOIA) requests excessively and unreasonably
- publishing unacceptable information in a variety of media such as on social media websites and in newspapers.

The Head / Complaints Coordinator (or CEO / Chair of the Academy Committee/Board may assess a complainant as unreasonable and will ensure that there is sufficient evidence to justify the decision. Wherever possible, the Head / Complaints Coordinator (or CEO / Chair of the Academy Committee/Board will discuss concerns with the complainant before applying any further sanctions. If the behaviour continues or is more serious, the Head / Complaints Coordinator (or CEO / Chair of the Academy Committee/Board will put in writing their decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate. A serious incident or threat of violence or aggression will normally constitute a ban from school premises and may involve police. This will be put in writing immediately.

The following actions may be taken singularly or in combination, depending on the particular circumstances of the case:

- insisting that no member of staff should meet the complainant on their own or notes will be taken and agreed in the meeting in the interest of all parties
- restricting telephone calls from the complainant to specified days and times, possibly to a nominated contact
- requiring that all future contact with the school is in writing, except in emergencies
- asking the complainant to engage a third party to act on their behalf, such as Citizens Advice
- banning the complainant from the school premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments to be agreed in writing via the Head
- consideration of legal action.

New and substantive issues from people who have been deemed vexatious or unreasonably persistent complainants will be treated on their merits and a reply will be sent to the complainant.

### **3.3 Complaint campaigns**

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with a school or the Trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school/Trust's website (as applicable).

### **3.4 Anonymous complaints**

We will not normally investigate anonymous complaints. However, Head, CEO, Academy Representative or Trustee, if appropriate, will determine whether the complaint warrants an investigation.

## 4.0 How to raise a concern or make a complaint

An informal concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Where an individual has a concern regarding a member of staff, it should, in most cases be raised with that member of staff directly. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Trustees/Academy Representatives to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 2/3 of the procedure.

Formal complaints against school staff (except the Head) should be made in the first instance, in writing to the Head. Correspondence should be marked as private and confidential and clearly marked for the attention of the Head.

Formal complaints that involve or are about the Head should be addressed to the CEO, Mrs Sherlock-Lewis, via [clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk). Again, correspondence should be marked as Private and Confidential.

Complaints about the CEO, any individual Trustee/Academy Representative or the whole Trust Board/Academy Committee should be addressed to the Company Secretary via email, [clerk@thepact.co.uk](mailto:clerk@thepact.co.uk) in writing to Prince Albert Community Trust c/o, Prince Albert High School, 115 Holford Drive, Perry Barr, Birmingham, B42 2TU. All correspondence should be marked as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure (Annex 2). If you require help in completing the form, please contact a school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## 5.0 Resolving complaints

At each stage in the procedure, the Trust/Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

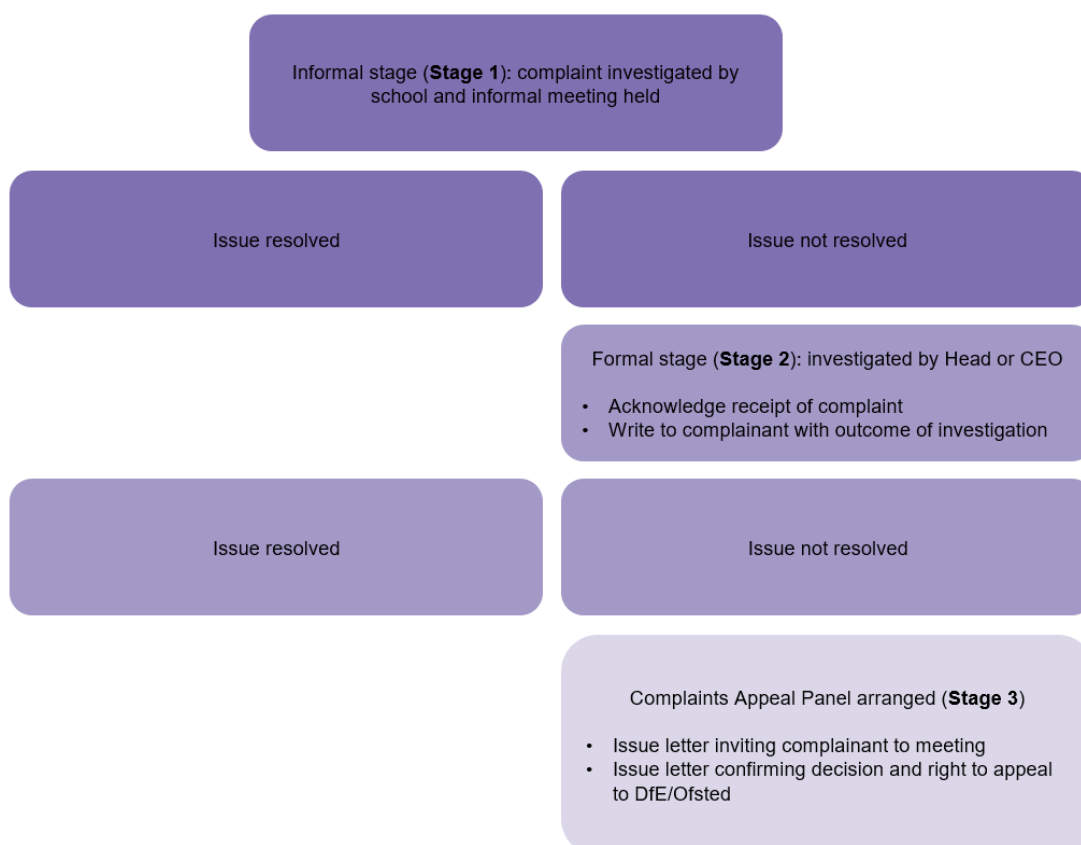
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

## 6.0 Withdrawal of a complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## 7.0 Our three stage procedure

The following diagram outlines the key stages of our complaints procedure.



### 7.1 Stage 1- Informal resolution

Where an individual has a concern regarding a member of staff, it should in most cases be raised with that member of staff directly. This should generally enable a concern to be resolved at the earliest possible stage and avoid any need for it to escalate into a formal complaint.

Members of staff dealing with such concerns should keep a written record of the concern and the steps taken to deal with it and inform the Head/Complaints Coordinator, who will in turn record the concern. This is particularly important where the concern is raised (and resolved) verbally. Staff members may wish to use the record template at Annex 3. If minutes are taken of conversations/meetings with the complainants, they should be checked for accuracy with all parties involved as soon after the conversation/meeting as possible.

If an acceptable resolution is not reached, the member of staff should direct the individual to this procedure.

The Trust does recognise that there may be circumstances in which:



- it would be difficult for a particular complainant to discuss a complaint with a particular member of staff
- the member of staff directly involved feels too compromised to deal with the complaint

In these cases, the complaint should be directed to the Head/Complaints Co-ordinator, who can refer the complainant to another staff member (or, in the case of a complaint concerning the Complaints Co-ordinator, the CEO for informal resolution. If the concern is about the CEO, the complaint should be referred to the Chair of Trustees, via the Company Secretary ([clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk)). Such alternative members of staff may be more senior, however do not have to be, as they are simply required to consider the complaint objectively and impartially.

Where a complaint about a school or a school member of staff is received, which does not appear to have explored this stage of the procedure (such as where the first approach is made to the Head, CEO, Academy Representative or Trustee) and which does not indicate that there is good reason (as indicated above) why this has not been done, the usual next step would be to refer the complainant to the appropriate person and advise them about this procedure.

## 7.2 Stage 2- Formal stage

Formal complaints must be made to the Head/Complaints Coordinator (unless they are about the Head). Formal complaints should be submitted in writing (preferably on the Complaint Form (Annex 2)). If the complaint is made verbally, the Head/Complaints Coordinator may ask the complainant to submit their complaint in writing.

The Head/Complaints Coordinator will record the date that the complaint is received and will **acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days**. Within this response, the Head/Complaints Coordinator will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. They can also consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Head/Complaints Coordinator may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Head/Complaints Coordinator (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation (Annex 3)

**At the conclusion of their investigation, the Head/Complaints Coordinator will provide a formal written response within 20 school days of the date of receipt of the complaint.** If the Head/Complaints Coordinator is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust/school will take to resolve the complaint.

The Head/Complaints Coordinator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage 2.

If the complaint is about the Head/Complaints Coordinator, the complainant should submit their complaint, in writing to the CEO, via the Company Secretary.

If the complaint is about the CEO or a member of the Trust Board/Academy Committee (including the Chair or Vice-Chair), a suitably skilled Trustee/Academy Representative will be appointed to complete all the actions at stage 2.

Complaints about the Head/Complaints Coordinator, the CEO or a member of the Trust Board/Academy Committee (including the Chair or Vice-Chair) must be made to the Company Secretary via email [clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk) or in writing to Prince Albert Community Trust c/o, Prince Albert High School, 115 Holford Drive, Perry Barr, Birmingham, B42 2TU.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board/Academy Committee or
- the majority of the Trust Board/Academy Committee

Stage 2 will be considered by an independent investigator appointed by the Trust Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **7.3 Stage 3- Appeal**

If the complainant is dissatisfied with the outcome at stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 – a meeting with the Trust's Complaints Appeal Panel (the Panel), which will be formed of two PACT Trustees/Representatives and one person who is independent of the management and running of the Trust. This cannot be a member of trust staff or a Trustee but could be an Academy Representative from another school within the Trust. If not enough impartial Trustees/Representatives are available, the Trust will seek Panel members from other schools or the local authority. The Trust will make sure the Panel members sourced are suitably skilled and can demonstrate that they are independent and impartial. This is the final stage of the Complaint's Procedure.

A request to escalate to stage 3 must be made to the Company Secretary, via email [clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk) or in writing to Prince Albert Community Trust c/o, Prince Albert High School, 115 Holford Drive, Perry Barr, Birmingham, B42 2TU, within 10 school days of receipt of the stage 2 response.

The Company Secretary will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Company Secretary will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the stage 3 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, The Company Secretary will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Panel will have had no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Panel (this should be a PACT Trustee/Representative). If there are fewer than three PACT Trustees/Academy Representatives available, The Company Secretary will source any additional, independent Trustees/Representatives/Governors through another local school or through their LA's Governor Services team, in order to make up the Panel. Alternatively, an entirely independent

Panel may be convened to hear the complaint at stage 3. This is only an option if PACT representation can be made.

The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs<sup>2</sup>.

The complainant has the right to attend the meeting and may wish to bring someone along to provide support. This can be a relative or friend. Generally, we do not allow either party to bring legal Representatives to the Panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaint's procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Company Secretary will:

- confirm and notify the Panel and the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the Panel at least 5 school days before the meeting

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint and all the evidence presented.

The Panel's decision will usually be reached on the basis of the documentary evidence available, although the Panel may adjourn the hearing, if necessary, to conduct further investigation. The Panel's role is not to re-investigate the case, but to review the steps taken to date.

The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint

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<sup>2</sup> This includes the provision of remote panels: ensuring all participants agree to the use of remote access; and have access to the technology which will allow them to hear and speak throughout the meeting and to see and be seen, if a live video link is used; all participants will be able to put across their point of view or fulfil their function; and the meeting can be held fairly and transparently via remote access. Where there are concerns about any of these points, it will be better for the panel hearing to take place in person.

- where appropriate, recommend changes to the Trust/school's systems or procedures to prevent similar issues in the future

**The Chair of the Panel will provide the complainant and Trust/school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.** A copy of the findings and recommendations may also be provided to the person complained about where relevant.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the Trust or its school.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Trust Board or
- the majority of the Trust Board

Stage 3 will be heard by a Panel of independent Trustees/Representatives/Governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the Trust/school will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

A copy of the findings and recommendations will be available for inspection on the school premises by the proprietor and the Head.

## **8.0 Next steps**

If you are dissatisfied with the decision of the Panel, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA). The ESFA will only investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint.

At the time of writing this procedure, details about the ESFA procedure and the ESFA academy complaints for are available at:

[How ESFA handles complaints about academies - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Or you can write to the ESFA at the following address:

**Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT**

## **9.0 Roles and responsibilities**

### **9.1 Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

## **9.2 Investigator (Member of the HR team or other adequately trained person)**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent, and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Head or the Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The Head or the Panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **9.3 Complaints Co-ordinator (this could be the Head / designated member of staff or Trustee/Academy Representative)**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Head, Chair of Trust Board/Academy Committee, Company Secretary, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information

- additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep detailed records

#### **9.4 Governance Professional to the Trust Board (Company Secretary)**

The Governance Professional/Company Secretary is the contact point for the complainant and the Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Panel's decision

#### **9.5 Panel Chair**

The Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Company Secretary) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the Panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the Panel is open-minded and acts independently
- no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- minutes are taken during the meeting
- they liaise with the Company Secretary (and complaints co-ordinator if the school

has one)

## 9.6 Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial and should be seen to be so. No Trustee/Representative may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the Panel should respect the views of the child/young person and give them equal consideration to those of adults.
- if the child/young person is the complainant, the Panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the Panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- however, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the Panel considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

## 10.0 Concerns or complaints from other persons

This complaints policy and procedure outlined applies only to complaints made by parents or carers of current registered pupils of schools within the Trust. However, the Trust wishes to work closely with other members of the local community and will deal with their concerns and complaints as follows:

**Stage 1** - a concern regarding a school or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of the senior leadership team who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.

**Stage 2** - where a concern is not resolved at stage 1, or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Head of the relevant school to investigate. The Head may delegate the task of investigation and/or responding to the complaint to a member of senior leadership team or may escalate the **complaint** straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.

**Stage 3** - if you are not satisfied with the response at stage 2, you may request a review by writing to the Clerk of the Local Academy Committee ([clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk)). You should write to the Clerk within 10 school days of receipt of the letter at stage 2. Requests received outside of this time frame will only be considered if **exceptional** circumstances apply. The Clerk will arrange for a Local Academy Representative to consider the complaint alone or may convene a complaints committee on the same terms as set out in main procedure of this complaints policy. The decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review. The decision at stage 3 exhausts the Trust's complaints procedure.

Concerns or complaints regarding the Head or the Trust as a whole should be referred direct to the Trust's Company Secretary ([clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk)) who will arrange for the stages above to be considered by an appropriate person.

## 11.0 Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

This policy also complies with our funding agreement articles of association which can be found on our website [www.the-pact.co.uk](http://www.the-pact.co.uk).

## 12.0 Complaints log, record keeping and information sharing

The school will determine who is responsible for records and reporting stage 1 and stage 2 complaints to the Academy Committee, so that trends can be identified and reported to the Trust Board.

The school / Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, the final outcome and action taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and stored securely on school premises. The material will only be viewed by Members, Trustees, other appropriate authorities and where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Records of complaints will be kept for a minimum of 6 years.

## 13.0 Policy ownership, monitoring and review

The Trustees and the Executive are responsible for ensuring that the Trust adheres to this policy and that this policy is reviewed annually or more regularly in the light of any significant new developments or in response to changes in guidance.



# **Complaints Policy and Procedure: Annex & Appendices**

## ANNEX 1: Matters excluded from scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at: <a href="http://www.gov.uk">School suspensions and permanent exclusions - GOV.UK (www.gov.uk)</a>
National Curriculum content	Please contact the Department for Education at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
School re-organisation proposals	Where concerns are not adequately addressed by the Trust, complaints can be raised direct with the Department for Education.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised direct with the local authority.
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint</p>

## ANNEX 2: Complaint Form

Please complete and return to the Head\* who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>			
<b>Name of pupil:</b>			
<b>Your relationship to the pupil:</b>			
<b>Address:</b>		<b>Postcode:</b>	
<b>Daytime telephone No:</b>		<b>Evening telephone No:</b>	
<b>Please give details of your complaint</b> (use a separate sheet if required detailing any supporting paperwork)			
<b>What action, if any have you already taken to try and resolve your complaint?</b> (who did you speak to and what was the response?)			
<b>What actions do feel might resolve the problem at this stage?</b>			
<b>Signature:</b>			
<b>Print name:</b>		<b>Date:</b>	
<b>OFFICIAL USE</b>			
<b>Date acknowledgement sent:</b>			
<b>By who:</b>			
<b>Complaint referred to:</b>			
<b>Date:</b>			

\*If your complaint relates to the Head you should return this form to the Company Secretary: [clerk@the-pact.co.uk](mailto:clerk@the-pact.co.uk)

## ANNEX 3: Record keeping template for staff

Complete in as much detail as necessary and file accordingly. (You may need to complete a separate form for different people you speak to or for different parts of your investigation):

<b>Your name:</b>	
<b>Complaint is relating to?</b> <i>(school, staff member, Trust)</i>	
<b>Complainants Name:</b>	
<b>Date Complaint received:</b>	
<b>How complaint was received:</b> <i>(Format)</i>	
<b>Pupil name (if relevant):</b>	
<b>Details of complaint:</b>	
<i>(Or attach copy of original complaint if made in writing)</i>	
<b>Actions- A full investigation may need to take place.</b>  <i>What have you done? Who have you spoken to? What was said? Do you need witness statements? Include dates and times of your actions and provide a detailed account. Minute any meetings you may have and ensure that a record is kept centrally.</i>	
<i>Continue on a separate sheet if necessary</i>	
<b>Outcome:</b>	
<b>Next Steps:</b>	
<b>Date complete:</b>	

## **APPENDIX A: Guidance for staff on complaint handling**

### **The Process**

Parents / carers should always know how they can raise a complaint. The policy can be found on the school website and a paper copy will also be available.

### **Procedures should be as speedy as possible**

Each stage of the procedure has known time limits. Where it is not possible to meet these, information about progress will be given to the complainant. The three stages are:

#### **Stage 1: dealing with complaints informally**

The vast majority of complaints can be resolved informally. There are many occasions where complaints are resolved straight away through the class teacher or a member of the school's leadership team, depending on whom the parents first approached.

Parents / carers must feel able to raise complaints with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent. At first, it may be unclear whether a parent / carer is asking a question or expressing an opinion rather than making a complaint.

A parent / carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

#### **Stage 2: referral to the Head (or CEO) for investigation**

One of the reasons for having various stages in the procedure is to reassure complainants that their grievance is being heard by more than one person. The Head (or CEO) will ensure that their involvement will not predominate at every stage of a particular complaint.

#### **Stage 3: complaint appeal panel hearing**

Complaints only rarely reach this formal level where the complainant is not satisfied by the Head's response. It may be appropriate that the Trust's Complaints Appeal Panel consider a complaint against the school, rather than against the member of staff whose actions led to the original complaint. Complainants can escalate their complaint if they feel, following stage 2 they have not resolved the complaint on matters of procedure or relating to the conduct in relation to the investigation.

Complainants must be made aware that they can escalate their complaint to the Secretary of State for Education if they believe the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably.

### **Support for complainant**

If required, support for the complainant can be offered from individuals or organisations who are clearly separated from those complained against, such as Citizens Advice Bureau, refugee support organisations and other local advice centres. Parents are invited to be accompanied by a friend or a relative for support at any stage of the procedure.

### **Support for the person who the complaint is raised against**

Staff who may be questioned as part of a complaint investigation must feel they are being treated in a fair way and that they too will have an opportunity to put their case forward. They will be told about the procedure and kept informed of progress. There is an important balance to be maintained between supporting the individual so that their rights and reputation are protected during the course of an investigation.

The complaints procedure is distinct from formal disciplinary proceedings for staff. There may be occasions where a complaint launches a disciplinary procedure which puts the complaints procedure

on hold. If so, the complainant will be informed and any non-disciplinary aspects of the complaint will be dealt with by the usual complaints procedure.

### **Confidentiality**

All conversations and correspondence will be treated with discretion. Parents need to feel confident that their complaint will not penalise their child from the outset, all parties to a complaint will need to be aware that some information may have to be shared with others involved in the operation of the complaints procedure. It is at the discretion of the Head, CEO and Chair of Trustees as to whether anonymous complaints warrant an investigation. It is usual to disregard anonymous complaints unless somebody is prepared to substantiate them.

### **Redress**

If the outcome of the complaint shows the school is at fault, it will be appropriate to offer one or more of: an apology, an explanation, a promise that the event complained of will not recur, an undertaking to review policy, or, in appropriate circumstances, financial compensation.

### **Record keeping**

Recording stage 1 needs only be a basic record with the date, name and nature of the complaint. More detailed recording will begin at the point when a complaint has become an issue that cannot be resolved on the spot but needs investigation.

## APPENDIX B: How to listen to complaints

<b>Don't pass the buck</b>	Try not to keep transferring an angry person from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
<b>Don't be flippant</b>	First impressions count. You and the academy may be judged on your immediate reaction.
<b>Treat all complaints seriously</b>	However small or trivial it may seem to you, the complaint will be an important problem for anyone who takes the trouble to complain.
<b>Treat every complaint individually</b>	Even if you have received several complaints the same day, it is probably the person's first chance to have their say.
<b>Be courteous and patient</b>	Be sympathetic and helpful, but do not blame other colleagues. Say who you are. If you are unknown to the person, introduce yourself.
<b>Ask for their name and use it</b>	Anonymous complaints are acceptable only where there are special circumstances.
<b>Take time to find out exactly what the problem is</b>	It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
<b>Don't take the complaint personally</b>	To an angry or upset person, you are the academy and the only one who they can express their feelings to right now.
<b>Stay cool and calm</b>	Don't argue with the person. Be polite and try to find out exactly what the person thinks is going wrong or has gone wrong.
<b>Check you are being understood</b>	Make sure that the person understands what you are saying. Don't use jargon: it can cause confusion and annoyance to someone 'not in the know'.
<b>Don't rush</b>	Take your time. Let people have their say and let off steam if they need to. Listen carefully and sympathetically to their problems before replying and attempting to find a solution or offer a next step.

## APPENDIX C: Checklist for a Complaints Appeal Panel hearing

The panel needs to take the following points into account to ensure structure and fairness to proceedings:

the hearing is as informal as possible

witnesses are only required to attend for the part of the hearing in which they give their evidence

after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses

the school may question both the complainant and the witnesses after each has spoken

the school is then invited to explain its actions and be followed by the academy's witnesses

the complainant may question both the school representative and the witnesses after each has spoken

the panel may ask questions at any point

the complainant is then invited to sum up their complaint

the school is then invited to sum up the school's actions and response to the complaint

both parties leave together while the panel decides on the issues

the chair explains that both parties will hear from the panel within a set time scale